

Remarks**I. Election of Species With Traverse**

Applicants elect Invention I, corresponding to claims 1-7 and 17, with traverse.

II. Traversal of Restriction Requirement

The Restriction Requirement fails to present a prima facie case for restriction. For example, the Restriction Requirement states that: "Inventions II, III and I are related as mutually exclusive species in an intermediate-final product relationship." The Restriction Requirement does not indicate, however, how the inventions are mutually exclusive with each other, and it is not obvious that the inventions are mutually exclusive with each other.

Moreover, it is not clear which species are "in an intermediate-final product relationship," or what the "final product" is, and the Restriction Requirement does not provide any indication of either the species alleged to be "in an intermediate-final product relationship," or what the "final product" is.

Further, as stated in the notes to MPEP 806.04(b), "the intermediate must be shown to be useful to make other than the final product. The examiner must give an example of an alternative use but need not provide documentation." The Examiner has given no such example in the present case, further demonstrating the lack of a prima facie case of restriction.

In addition, the Restriction Requirement provides no indication of why the inventions are alleged to be classified differently. For example, claim 17 is a dependent claim of claim 16, yet is allegedly classified with claim 1.

For at least these reasons, applicants respectfully assert that the Restriction Requirement fails to present a prima facie case for restriction.

III. Amendment of the Claims

Applicants have canceled claims 8-20 without prejudice, as corresponding to nonelected inventions.

Applicants have added new claims 21-33, which as best as can be understood from the Restriction Requirement, correspond to Invention I.

Applicants have amended claims 1 and 7, to better correspond to Invention I, as best as can be understood from the Restriction Requirement.

Because the number of independent claims and the total number of claims are not more than that previously paid for, no extra claims fee is necessary.

IV. Conclusion

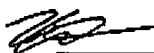
Applicants have traversed the Restriction Requirement by showing that it is deficient on several grounds, and have included an election of the invention to be examined even though the Requirement is traversed. Applicants have also canceled without prejudice claims directed to nonelected inventions, and have added new claims that are, as best as can be understood from the Restriction Requirement, directed to the elected invention. As such, applicants respectfully assert that the application is in condition for allowance, and a notice of allowance is solicited.

Respectfully submitted,

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this correspondence is being transmitted
via facsimile to MS No Fee Amendment, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313, telephone
number (703) 872-9306, on June 31, 2005.

Date: 6-31-05


Mark Lauer


Mark Lauer
Reg. No. 36,578
6601 Koll Center Parkway
Suite 245
Pleasanton, CA 94566
Tel: (925) 484-9295
Fax: (925) 484-9291

Election and Amendment
App. Ser. No. 09/675,700

6